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STATE OF MICHIGAN**SIXTH PROBATE COURT****THOMAS B. NORTH**

PROBATE JUDGE

LUCE COUNTY

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407 West Harrie Street
Newberry, MI 49868

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July 6, 2005

Mr. Corbin R. Davis
Clerk
Michigan Supreme Court
Michigan Hall of Justice
P O Box 30052
Lansing, MI 48909

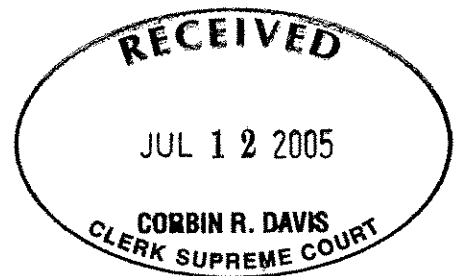
Dear Mr. Davis:

RE: ADM File No. 2004-42

I am writing to comment on ADM File No. 2004-42, which would amend MCR's 8.103, 8.107, and 8.110. This court opposes the proposal, in the strongest possible terms, for the following numerous reasons.

First, the proposed subrule 8.107(A), which would be new, has no place in this court rule at all. Proposed subrule (A) has nothing to do with the Statement by Trial Judge as to Matters Undecided. It instead purports to set in place a procedure for all cases and matters in trial courts, which particularly in its 35 days decision language, conflicts with numerous statutes and other court rules that set different time lines in specific matters. Some time lines are shorter and others are longer than 35 days. Such conflicts would create bewilderment throughout the State's courts. And where does the 35 days in proposed subrule (A) and Administrative order 2003-07 come from, as opposed to any other number of days? There does not appear to be any basis for it. Although I have never had a decision under advisement for over 35 days, that is far too short a period within which to say by rule that **all** decisions should be made. Some cases are so voluminous, the review of evidence exceeds 35 days, or for other reasons a decision is physically impossible in that period. Quality of legal decision making is always more important and paramount by law than deciding within an arbitrary time by rule.

Regarding the proposed changes to 8.107(B), it similarly would contain an arbitrary reference to a time frame, 56 days. The standard for undecided matters to be decided has been and is four months, not 56 days. Where does the 56 days come from? What is the basis for it? This is a draconian proposal, to go all the way from four months, which is minimally reasonable, to 56 days. That cuts the time frame by more than **ONE HALF**. 56 days is far too short. It is also not



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possible to always comply with, unless there is an increase in judicial resources.

Next, proposed rule 8.103(4) refers to "the caseload management standards articulated in Administrative Order No. 2003-7 . . ." But where are the "standards" in AO 2003-7? I have read it a number of times, and cannot find the word "standards" anywhere therein. AO 2003-7 by its terms does not contain any standards, but guidelines, which are different.

Finally, if 8.107 is amended as proposed, it should further be amended out of fairness to change the title to "Statement by Judge or Justice as to Matters Undecided" and delete the word "trial" from subrule (8), so that it also applies to the Michigan Court of Appeals and Supreme Court equally with the trial courts.

As always, thank you for the opportunity to comment.

Sincerely,

A handwritten signature in cursive script that reads "Thomas B. North".

Thomas B. North
Probate Judge

TBN:jlr

cc: Hon. Kathryn Root

Hon. Milton Mack